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SUBJECT: MALAWI: ELECTION PREPARATIONS MAKING PROGRESS

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11. (SBU) SUMMARY: Since gaining a quorum of commissioners in mid-January, the Malawi Electoral Commission (MEC) has made progress both on preparations for the May 2009 general elections, and in overcoming opposition criticism of their impartiality. On March 6, the MEC announced its electoral calendar, setting May 19, 2009 as the date for presidential and parliamentary elections. The MEC requested a budget of \$37.3 million USD, a 135% increase over actual expenditures in the 2004 election, for 2009 presidential and parliamentary elections. The GOM pledged \$4.2 million USD for election preparations in the FY2008 budget and plans to ask for at least an additional \$9.85 million USD in the FY2009 budget cycle, leaving a shortfall of approximately 24 million USD that the GOM hopes donors will cover. Planned donor countries' contributions currently total only about \$12 million, however, to which USAID's portion is only \$475,000 USD. Almost one quarter of the MEC budget request is for a new state-of-the-art voter registration system the MEC claims is needed due to major problems with the 2004 rolls and the lack of supplies for the old registration system. MEC has not yet extended an open invitation for international observers, but they will be essential to monitor what is almost certain to be a hard-fought and contentious election. End Summary.

MEC ANNOUNCES ELECTORAL CALENDAR

12. (U) On January 17, the High Court ruled that President Mutharika's MEC appointments were legal (ref A), thus establishing a quorum of commissioners and allowing the MEC to accelerate planning for 2009 general elections. On March 6, the MEC announced its electoral calendar, setting May 19, 2009 as the date for presidential and parliamentary elections. Preparations for the elections include many critical actions during March and April 2008 including constituency demarcation meetings, procurement of voter registration equipment, and recruitment and training of registration staff. Registration of voters is scheduled to commence on June 2, 2008 and will be staged in six staggered phases of 14 days each until September 14, a method meant to reduce the cost of the registration exercise by allowing the MEC to purchase less equipment and hire fewer workers. Nominations for presidential and parliamentary candidates are due by January 9, 2009. A voters' roll inspection will take place March 30-April 3 2009 at all polling stations. Initial public reaction was mixed, with many lauding the MEC for releasing a calendar on time but questioning the late nomination deadline and the short voters' roll inspection period.

PASSING THE HAT FOR A BIG ELECTION BUDGET

13. (SBU) Among MEC's first actions was to unveil a \$37.3 million USD budget for presidential and parliamentary elections. The requested budget represents a 135% increase over actual expenditures in the 2004 elections. MEC defended the budget request to donors by emphasizing that the 2004 elections had numerous shortcomings and should not be used as a basis for comparison. The GOM has indicated it will request \$9.85 million USD in the FY 2008/09 budget for the election, leaving a shortfall of \$24 million USD that the GOM expects to come from donors. Opposition members of the National Assembly fear that the first chance they will get to comment officially on the MEC's budget request will be at the anticipated June meeting of parliament to discuss the national budget (a point of view supported by press reporting today, wherein the Finance Minister warns that failure to consider and pass the national budget in a timely way could derail the elections). The budget session is expected to be highly contentious. Delays in approving, or cuts to the MEC's budget at such a late date, could adversely affect election preparations. Donors will be unable to make up the expected shortfall and have stressed to the MEC and GOM the need for a leaner budget and Malawian ownership of the election. For his part, Minister of Finance Goodall Gondwe has publicly stated that the budget for 2008/2009 will be the largest of the Mutharika administration due to election funding and he has privately told UNDP and the Ambassador that he agrees with donor concerns that the government of Malawi must own the elections. His comment provide some hope that the GOM will request additional funding for the MEC.

NEW COMPUTERIZED VOTER REGISTRATION CONTROVERSIAL

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14. (SBU) The MEC identified the need to create a new voters roll as a top priority. MEC claimed the voters roll used during 2004 had many missing names and was a mix of several manual systems, all of which led to confusion, criticism, and fraud. In addition, the previous registration system depended upon photos produced by Polaroid cameras for which film is no longer available. The MEC's proposed new system costs \$8.6 million USD, almost one quarter of the total requested budget, and uses a combination of digital photographs and biometrics to confirm identities. The system was chosen based on recommendations from technical advisors funded by the UNDP Election Trust Fund. Despite high initial costs, the new system should ultimately be more economical in the long run due to the high costs of film for the previous system. Opposition leaders are not confident of the need for or feasibility of the new system. United Democratic Front (UDF) MP and Legal Affairs Committee Chairperson Atupele Muluzi stated that the cutting-edge system is more advanced than the systems of Canada or the United States, and has yet to be proven in an environment with poor infrastructure, unreliable electricity, and low technological sophistication. Muluzi suggested it would take more than a year to properly set up the system and train users adequately. Muluzi proposed that a less technology-dependent system be considered for 2009. (Comment: Muluzi's observation that the system would be more advanced than most in the U.S. and Canada is correct, but we note that Malawian citizens do not routinely possess any reliable identity document, thus necessitating a more rigorous effort to establish the identity of voters within the electoral registry itself.)

MEC STRUGGLES TO HIRE QUALIFIED STAFF

15. (SBU) Both opposition and donors have also cited the high costs of technical assistance in the budget request. The MEC has budgeted for 192 work-months spread among 13 technical

advisors who would cover elections, media, human resources, financial management, procurement, and information technology at a total cost of \$3 million USD. The need for technical assistance is not being debated, however. The MEC still needs to hire a Chief Elections Officer and deputies for Operations, Finance and Administration and Head of Finance and Procurement. The Human Rights Consultative Committee (HRCC), an umbrella organization of human rights NGOs, believes the dependence on non-MEC employees, both technical advisors and the use of other government agencies, could lead to chaos in the elections due to a lack of coordination and impartial, skilled workers to carry out the plan. Others have countered that it is impossible to expect a country as poor as Malawi to be able to maintain a full-time, professional electoral commission when it only has large-scale actions to perform every 4-5 years.

BUT LEADER HAS VAST EXPERIENCE

16. (SBU) Justice Anastasia Msosa, a Supreme Court Justice and the current chairperson of the MEC, was also the head of the election body in 1994. In 1993, she led Malawi through a successful referendum on multi-party democracy after 30 years of dictatorship. She also oversaw a contentious election where United Democratic Front leader Bakili Muluzi captured the presidency from President-for-Life Hastings Kamuzu Banda. Msosa is known to be competent, pragmatic, and apolitical. In her second round as chairperson of the MEC, Msosa has shown a willingness to listen to stakeholders and engage all political parties, a strategy that continues to win confidence.

OPPOSITION PARTIES -- AND MEC -- SLAM PUBLIC MEDIA BIAS

17. (SBU) Opposition political parties have been vocal in their displeasure with MEC's civic and voter education strategy. They claim the strategy, which was released in late February, was not developed in consultation with the political parties. Alliance For Democracy (AFORD) said that releasing the strategy without any input from the stakeholders was the same approach President Mutharika's had followed in appointing MEC commissioners, and would further erode opposition confidence in the MEC. Even the ruling Democratic Progressive Party (DPP) took exception to the lack of consultation and suggested the MEC had to create greater ownership of the strategy. The biggest concern with the education strategy was the inclusion of Malawi Broadcasting Corporation (MBC), Television Malawi (TVM), and the Ministry of Information on the MEC's Voter Education Committee. Opposition leaders consider both MBC, the national public

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radio broadcaster, and TVM, the only television station in Malawi, to be highly partisan. MEC engaged each political party in individual meetings to try and address concerns. The first outcome of the meetings was March 5 letters to both MBC and TVM asking them to cease broadcasting inflammatory and biased programs that could create hatred and violence among political players. MEC is the first government entity to openly criticize the two stations for their biased programming and asked for the removal of specific programs from the air. The content of the programs cited is to some measure satirical but heavily anti-opposition and in one case uses archival material to lampoon the current (and very different) views of opposition leaders.

18. (U) The MEC education strategy is heavily dependent upon NGOs. Aloysius Nthenda, chairperson of the Malawi Electoral Support Network (MESN), an umbrella organization of NGOs working in voter education, said being so dependent on NGOs could create its own issues due to the advocacy roles many NGOs play. Nthenda explained that while most NGOs are capable of educating people about the need to vote, there is a fear that voters will then ask how to choose the right

candidate, which could lead to partiality. Both MESN and MEC have agreed to a code of conduct and an accreditation process for NGOs involved in voter education to help ensure impartiality. MESN has also stressed that donors should release funds early so that voter education can begin well in advance of elections.

ELECTION RESULTS TO BE ISSUED BY MEC, NOT PUBLIC MEDIA

¶9. (U) Already sensitive to opposition concerns about MBC and TVM, the MEC announced on February 29 that poll results will not be broadcast by MBC as occurred in 2004. Instead, election results centers will be established near polling stations and all media will have equal access to the voting results.

LOCAL ELECTIONS TO BE FURTHER DELAYED

¶10. (SBU) The current MEC budget does not include funds for local government elections. Local government elections are constitutionally-mandated to be held one year after general elections. The first and only local government elections were held in 2000, but were not repeated in 2005 due to a food crisis. Once the food crisis was resolved, local government elections continued to slip despite pressure from donors and the opposition. The German Agency for Technical Cooperation's (GTZ) Promotion of Democratic Decentralization program has linked some of its funding to the GOM to the holding of local government elections. Additionally, the Commonwealth Local Government Forum has also been encouraging steps toward early local elections in 2008. President Mutharika has called local elections expensive and unnecessary, but nonetheless suggested for some time that they would be held at the same time as presidential and parliamentary polls if the Constitution could be amended to permit that. With the continuing political impasse delaying the expected Parliamentary session in early 2008, however, it is increasingly unlikely that the necessary legislation can be passed, even if the President were to change his very negative opinion as to the utility of the district councils to be elected. Furthermore, with the expectation of highly contentious presidential and parliamentary elections, opposition parties are now content to focus all of their resources on the general elections and wait until 2010 for the next local government elections. Still, some donors have requested that MEC prepare a supplemental budget that shows the additional expenses holding tripartite elections would incur over the current 5.3 billion MK request.

NO INVITATION YET FOR INTERNATIONAL OBSERVERS

¶11. (SBU) While MEC Chair Msosa has stated publicly, and to donors privately, that international observers will be welcomed in 2009 as in the past, MEC has not issued formal invitations to observer delegations. At the prompting of Ambassador Eastham, the MEC agreed in late February to begin drafting an international observer policy in preparation of extending a formal invitation to prospective observers. The embassy has begun a dialogue with both the MEC and other foreign missions about coordination of observers and has stressed to all that observers should be invited months, not weeks, before the election. Ideally observers would witness voter registration and education in addition to polling. Norway has expressed the most interest in sending observers

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but will not commit until the EU, who requires a formal invitation from the MEC, has decided whether it will send observers. SEPTTEL will include the U.S. Mission's request for incremental funding to support fielding a U.S. observer mission.

ELECTION PROGRESS ENCOURAGING BUT TIMETABLE, FUNDING STILL

TIGHT

¶12. (SBU) Comment: The MEC's recent flurry of activity, including the release of the election calendar, is encouraging. MEC's willingness to engage all political parties is building trust in the institution, and both major opposition parties have hinted that they will likely drop their legal appeal concerning the appointment of the commissioners if the MEC continues to involve all stakeholders. Furthermore, the announcement of a date for the election will put additional pressure on the government and other stakeholders to work with the MEC on preparations. The GOM has already provided MEC funding to procure the high-tech system despite opposition concerns and no guarantee of government and donors fully funding the MEC budget request. There is every reason to believe that Malawi's 2009 elections will be hard-fought and contentious, putting the MEC and eventual international observers at the center of a potential political storm.

EASTHAM